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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/561,337

**Applicant(s)**

VERMOLA ET AL.

**Examiner**

TANGELA T. CHAMBERS

**Art Unit**

2617

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Individual Patent Application
- 6) ☒ Other: Copy of acknowledged IDS

### **DETAILED ACTION**

1. This action is in response to the amendment and arguments filed on 11/18/2008.
2. Claims 1-39 have been amended.
3. Claims 40-42 have been added.
4. Claims 1-42 are rejected.

#### ***Priority***

5. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d) which provides a priority date of August 27, 2003. No further action is required by the applicant as the claim for priority was found within the Oath.

#### ***Information Disclosure Statement***

6. A copy of the IDS filed on December 15, 2005 and acknowledged by the examiner on January 31, 2008 has been provided per the applicant's request. Only the abstract of reference JP 6268769 A was considered by the examiner as the remainder of the document is written in Japanese.

#### ***Claim Objections***

7. **The claims are objected to because of the following informalities:**  
Claim 30 is objected to because the word 'categorised' should be removed from the claim.  
Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 101***

8. **35 U.S.C. 101 reads as follows:**  
Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 40-42 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 40-42 are non-statutory because they recite a computer program per se representing functional descriptive material without a computer and/or a computer readable medium. It is suggested that claims 40-42 be amended to recite a computer-implemented method including at least some of the claimed steps to be performed by a computer.

***Claim Rejections - 35 USC § 112 First Paragraph***

**9. The following is a quotation of the second paragraph of 35 U.S.C. 112:**

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 40-42 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, the claims recite the limitation for "a computer program product comprising a computer readable medium" and "program code". No support was found in the original filed disclosure for this limitation.

***Response to the Arguments***

10. The applicant's arguments filed on 11/18/2008 have been fully considered, but they are not persuasive. In the Remarks, the applicant has argued in substance:

(1) The applicant argued features, i.e. repeatedly transmitting information relating to the timing of transmissions of the service identification data, using information relating to the timing of transmissions of service identification data to tune to an appropriate channel at an appropriate time to decode service identification data, information relating

to timing of transmissions of service identification data is received, relating service components at a given frequency to services, relating services at the given frequency to service sets, hierarchically arranging services including the appropriate service components and the apparatus being a mobile terminal.

Response:

(1) The argued features read upon Parkes in view of Bonomi and Paila.

Parkes discusses a program guide containing service components related to services being sorted by channel (frequency). Thus Parkes shows the limitation of "relating service components at a given frequency to services".

Parkes discusses receiving service identification data in a program guide relating services from one or more content providers bundled together. Thus Parkes shows the limitation of "relating services at the given frequency to service sets".

Parkes discusses a program guide containing the service identification data may be customized (arranged) by the user and presents drawings of the services and service components in hierarchical formats. Thus Parkes shows the limitation of "hierarchically arranging services including the appropriate service components".

Parkes discusses a guide containing the service identification data being displayed on a lap-top or hand-held computer. Thus Parkes shows the limitation of "the apparatus being a mobile terminal".

Parkes did not specifically disclose repeatedly transmitting and receiving information relating to the timing of transmissions of the service identification data or using the information to tune to an appropriate channel at an appropriate time to decode service identification data; therefore, Parkes is modified with Bonomi and Paila to show such features were obvious in the art.

As a result, the argued features are shown by Parkes as modified by Bonomi and Paila and read upon the references as follows:

***Claim Rejections - 35 USC § 102***

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 28, 33, 35 and 42 are rejected under 35 U.S.C. 102(e) as being unpatentable over Perkes (US Patent Publication No. 2003/0110503 A1).

As per claims 28, 35 and 42 Perkes discloses:

- ***receiving service identification data relating service components at a given frequency to services and relating services at the given frequency to service sets;***

(Perkes, Page 17, Paragraph [0224], Page 21, Paragraph [0265] and Page 22, Paragraph [0269], "Further, the XPG may allow multiple processes to occur simultaneously, and in some cases, to be combined (e.g. listening to a play list of music or an internet radio station while viewing the picture from a live TV broadcast, DVD, or previously recorded program."), Perkes teaches receiving service identification data in a program guide relating services to service sets (services from one or more content providers bundled together).

- ***hierarchically arranging services including the appropriate service components;*** (Perkes, Figs. 15-17 and Page 6, Paragraphs [0065]-[0066], "For example, the consumer may choose to view the content displayed in the guide in a different format than the default format and may customize the guide by adding or subtracting categories or genres, and by bookmarking favorite content."), Perkes teaches that the program guide containing the service identification data may be

customized (arranged) by the user and presents drawings of the services and service components in hierarchical formats.

- **displaying the different service sets, services or service components**, (Perkes, Page 6, Paragraph [0065], "This is a computer program, which collects the content data into a ticker type electronic programming guide format ("guide"), which enables the consumer to review, preview and otherwise customize the manner in which the guide displays the delivered content.").
- **providing service selection data on a display**, (Perkes, Page 1, Paragraphs [0012]-[0013], "In a further embodiment, visual objects associated with the media objects may be displayed to the user via the interface.").

As per claim 33, it is rejected under the same reasons set forth in connection of the rejection of claim 28 and further Perkes discloses:

- **wherein the apparatus comprises a mobile terminal**, (Perkes, FIG. 11, Pages 10-11, Paragraph [0129]), Perkes teaches that the guide containing the service identification data may be displayed on a lap-top or hand-held computer (mobile terminal).

### ***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 5-10, 12, 14-20, 23-24, 29-32 and 36-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perkes (US Patent Publication No. 2003/0110503 A1) in view of Bonomi et al (Bonomi) (US Patent No. 6,769,127 B1).

As per claims 1, 10, 20, 24 and 40, Perkes discloses:

- **transmitting a plurality of services, each of the services comprising one or more service components, at least some of the service components having different media formats**, (Perkes, Page 3, Paragraph [0037], "The appliance also allows for viewing of television programming, listening to streaming audio via speakers, viewing streaming video on a monitor and listening to CD-ROM or viewing DVD content from a CD-ROM/DVD player.").
- **generating service identification data relating service components to services on that channel**; (Perkes, Figures 15-17, Page 4, Paragraph [0045] and Pages 7-8, Paragraphs [0077]-[0079], "Broadcast television and digital content, including but not limited to streaming video and music, DVD, audio CDs, Advertising Content and E-Commerce opportunities, are categorized into groups of varying degrees of refinement."), Perkes teaches the relating of service components to services on a channel.
- **providing service selection at a mobile terminal**, (Perkes, Page 1, Paragraphs [0012]-[0013] and Page 10, Paragraph [0129], "In an embodiment of the present invention, the commands may include: browsing, selecting, previewing, purchasing, recording, collecting, sequencing and/or controlling the media objects.").

Perkes discloses components being transmitted but does not specifically disclose:

- **the service components for a given service being transmitted in a time-sliced manner on a given channel**; However, Bonomi in an analogous art discloses the above limitation. (Bonomi, FIG. 11A and Column 28, Lines 5-25, "The program guide area 1102 displays a program guide of the various channels and programs being offered as live assets by the media system. The programs are arranged in a grid-like fashion with rows pertaining to time slots and columns pertaining to channels.").

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Bonomi into the teaching of Perkes to



transmit the service components of a given service in a time-sliced manner on a given channel. The modification would be obvious because one of ordinary skill in the art would want to provide a user an easy and efficient way to examine their program guide with respect to their interests and available services. (Bonomi, Column 18, Lines 6-18).

Bonomi further discloses:

- ***repeatedly transmitting the service identification data on the channel;*** (Bonomi, FIG. 5C and 15C, Column 18, Lines 19-34 and Column 34, Lines 42-56, "As described above, the program guide 1540 is updated at the server side and may be downloaded at request or automatically at determinable times controlled by the media delivery center."), Bonomi teaches a program guide which contains the service identification data on the channel that can be transmitted automatically.

- ***repeatedly transmitting information relating to the timing of transmissions of the service identification data,*** (Bonomi, Column 18, Lines 53-67, "The program guide may be viewed as a tablet, if displayed, that lists many time slots, each is associated with a program to be broadcast as scheduled."), Bonomi teaches a program guide which contains the timing of transmission of the service identification data that can be transmitted automatically (repeatedly).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Bonomi into the teaching of Perkes to repeatedly transmit service identification data on the channel and information relating the timing of transmissions of the service identification data. The modification would be obvious because one of ordinary skill in the art would want to provide a user an easy and efficient way to notify users of newly received or changed information as soon as it occurs. (Bonomi, Column 18, Lines 43-67).

As per claims 2 and 12, Perkes further discloses:

- ***the generating service identification data relating service components to services on that channel includes generating data identifying the media format of***

**each service component**, (Perkes, FIG. 13 and Page 18, Paragraphs [0228]-[0229], "In another embodiment, the metadata descriptor of a media object may include information relating to: name of the media object, duration of the media object, genre of the media object, creator of the media object, affinity and parent groups of the media object, other media objects associated and linked to media object, rules for combining the media object with other media objects, owner of the media object, and/or value of the media object").

As per claims 5 and 14, Bonomi further discloses:

- **transmitting the information relating to the timing of transmissions of the service identification data in a network different than that used for the transmitting the service identification data on the channel**, (Bonomi, Figs. 1A-1B, Column 7, Lines 9-32 and Column 17, Lines 45-55), Bonomi discloses different networks including a wireless network which could be used to transmit the program guide containing the timing information to the mobile terminal.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Bonomi into the teaching of Perkes to transmit the timing information in a network different to that used for the service identification data. The modification would be obvious because one of ordinary skill in the art would want to deliver different forms of media programs and services to subscribers from multiple sources without limiting the amount and type of content being offered. (Bonomi, Column 1, Lines 46-67 and Column 2, Lines 1-2).

As per claims 6 and 15, Bonomi further discloses:

- **wherein transmitting the information relating to the timing of transmissions of the service identification data is performed in response to an inquiry from a mobile terminal**, (Bonomi, FIG. 5C and 15C, Column 18, Lines 19-34 and Column 34, Lines 42-56, "As described above, the program guide 1540 is updated at the server side and may be downloaded at request or automatically at determinable times controlled by

the media delivery center.”), Bonomi teaches a program guide which contains timing information that can be transmitted at the request of a mobile terminal.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Bonomi into the teaching of Perkes to transmit timing information in response to an inquiry from the mobile terminal. The modification would be obvious because one of ordinary skill in the art would want to provide the mobile terminal with an updated program guide which contains current timing information when requested. (Bonomi, Column 18, Lines 43-67).

As per claims 7 and 16 they are rejected under the same reasons as set forth in connection of the rejections of claims 5-6.

As per claims 8 and 17, Perkes further discloses:

- ***using the service identification data to generate a service guide for one or more services***, (Perkes, Figs. 15-17, Pages 3-4, Paragraph [0042], “The guide, unlike traditional, single technology, linear guides, displays Cross Technology content opportunities, such as DVD, and CD, CD-Rom, broadcast TV streaming, near-on-demand and on-demand Video, Music, audio, games and any other media capable of being played or displayed on a computer, as well as Advertising Content and E-Commerce opportunities. The guide integrates these disparate technologies into one seamless, digital entertainment guide for all uses.”).

As per claims 9 and 18, Perkes further discloses:

- ***receiving the service identification data at a mobile terminal***; (Perkes, FIG. 11, Pages 10-11, Paragraph [0129]), Perkes teaches that the guide containing the service identification data may be displayed on a computer (mobile terminal).
- ***at the mobile terminal, hierarchically arranging the services including the service components from the received service identification data***, (Perkes, Figs. 15-17 and Page 6, Paragraphs [0065]-[0066]).

As per claims 19 and 41, Perkes discloses:

- **a mobile terminal**, (Perkes, FIG. 11, Page 10, Paragraph [0129]).

Perkes discloses receiving transmissions of service identification data but does not specifically disclose the following limitations. However, Bonomi in an analogous art discloses:

- **a tuner configured to use the information relating to the timing of transmissions of the service identification data to tune to an appropriate channel at an appropriate time to decode service identification data, the service identification data relating service components on the channel to services;** (Bonomi, FIGS. 3B and 11A, Column 11, Lines 54-67, Column 12, Lines 1-24 and Column 28, Lines 5-25, "The selected channel pertains to the channel that has been selected with respect to the program guide illustrated in the program guide area 1102."), Bonomi teaches a program guide containing timing information and user using the program guide to tune to an appropriate channel.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Bonomi into the teaching of Perkes to use the timing information to tune to an appropriate channel at an appropriate time to obtain the service components. The modification would be obvious because one of ordinary skill in the art would want to provide a way that would allow a user to select available content while it is available. (Bonomi, Column 28, Lines 5-25).

- **a processor configured to subsequently obtain, from service components transmitted in a time-sliced manner on the channel, required service components of a service**, (Bonomi, FIG. 11A, Column 18, Lines 53-67, Column 19, Lines 1-14 and Column 28, Lines 5-25).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Bonomi into the teaching of Perkes to obtain service components of a service. The modification would be obvious because one of ordinary skill in the art would want to provide a subscriber with an easy and efficient means to examine their program guide with respect to their interests and available services. (Bonomi, Column 18, Lines 6-18).

- ***a receiver configured to receive at least one repeated transmission of information relating to the timing of transmissions of service identification data,*** (Bonomi, Column 18, Lines 53-67, "On the other hand, when it is determined that there are such requests or it is time to deliver an updated program guide, than an updated program guide shall be delivered to the client machines receiving services from the media delivery center."), Bonomi teaches a program guide which contains the timing of transmission of the service identification data that can be received automatically (repeatedly).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Bonomi into the teaching of Perkes to receive at least one repeated transmission of information relating to the timing of transmissions of service identification data. The modification would be obvious because one of ordinary skill in the art would want to provide a user an easy and efficient way to notify users of newly received or changed information as soon as it occurs. (Bonomi, Column 18, Lines 43-67).

As per claim 23, Perkes discloses:

- ***operating a mobile terminal,*** (Perkes, FIG. 11 and Page 10, Paragraph [0129]).

Perkes discloses receiving transmissions relating to service identification data but does not specifically disclose the following limitations. However, Bonomi in an analogous art discloses:

- ***receiving at least one repeated transmission of information relating to the timing of transmissions of service identification data;*** (Bonomi, Column 18, Lines 53-67).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Bonomi into the teaching of Perkes to repeatedly transmit information relating the timing of transmissions of the service identification data. The modification would be obvious because one of ordinary skill in the art would want to provide a user an easy and efficient way to notify users of newly received or changed information as soon as it occurs. (Bonomi, Column 18, Lines 43-67).

- ***using the information relating to the timing of transmissions of the service identification data to tune to an appropriate channel at an appropriate time to decode service identification data, the service identification data relating service components at a frequency to services;*** (Bonomi, FIGS. 3B and 11A, Column 11, Lines 54-67, Column 12, Lines 1-24 and Column 28, Lines 5-25).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Bonomi into the teaching of Perkes to use the timing information to tune to an appropriate channel at an appropriate time to obtain the service components. The modification would be obvious because one of ordinary skill in the art would want to provide a way that would allow a user to select available content while it is available. (Bonomi, Column 28, Lines 5-25).

- ***subsequently obtaining, from service components transmitted in a time-sliced manner on the channel, required service components of a service,*** (Bonomi, FIG. 11A, Column 18, Lines 53-67, Column 19, Lines 1-14 and Column 28, Lines 5-25).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Bonomi into the teaching of Perkes to provide a means for obtaining service components of a service. The modification would be obvious because one of ordinary skill in the art would want to provide a subscriber with an easy and efficient means to examine their program guide with respect to their interests and available services. (Bonomi, Column 18, Lines 6-18).

As per claims 29 and 36, Perkes further discloses:

- ***hierarchically arranging services comprises using data items describing the various service components for categorizing received content items***, (Perkes, Figs. 15-17 and Page 6, Paragraphs [0062]-[0063] and [0065]-[0066], "In the process of the selection of content to be delivered, the Content Manager collects certain data regarding the content ("content data"), including but not limited to the type of content, category or genre, content title and other details, such as principal performers, run time and content provider").

As per claims 30 and 37, Perkes further discloses:

- ***the content items are categorised categorized according to content type***, (Perkes, Page 6, Paragraphs [0062]-[0063] and [0065]-[0066], "For instance, instead of the priority, or order, in which The Delivery Scheduler function delivers the content, the consumer may want to see all movies displayed first, or all audio selections displayed first.").

As per claims 31 and 38, Perkes further discloses:

- ***arranging the services in an order according to their timing***, (Perkes, Page 6, Paragraphs [0062]-[0063] and [0065]-[0066], "In the process of the selection of content to be delivered, the Content Manager collects certain data regarding the content ("content data"), including but not limited to the type of content, category or genre, content title and other details, such as principal performers, run time and content provider").

As per claims 32 and 39, Perkes discloses:

- ***providing service selection data using the method of claim 23;*** (Perkes, Page 1, Paragraphs [0012]-[0013]).

Perkes discloses selecting an item from the display but does not specifically disclose:

- ***following selection of a displayed service set, service or service component, tuning to the correct channel at the appropriate time when the selected service set, service or service component is being transmitted,*** However, Bonomi in an analogous art discloses the above limitation. (Bonomi, FIGS. 3B and 11A, Column 11, Lines 54-67, Column 12, Lines 1-24 and Column 28, Lines 5-25).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Bonomi into the teaching of Perkes to use the timing information to tune to an appropriate channel at an appropriate time to obtain the service components. The modification would be obvious because one of ordinary skill in the art would want to provide a way that would allow a user to select available content while it is available. (Bonomi, Column 28, Lines 5-25).

Claims 3-4, 11, 13, 21-22, 25-27 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perkes (US Patent Publication No. 2003/0110503 A1) in view of Bonomi et al (Bonomi) (US Patent No. 6,769,127 B1) and in further view of Paila (US Patent Publication No. 2003/0096614).

As per claims 3, 11, 21, 25 and 34, neither Perkes nor Bonomi specifically disclose:

- ***the channel is at a given frequency,*** However, Paila in an analogous art discloses the above limitation. (Paila, Page 1, Paragraph [0004], "A channel may be a frequency, a program identifier ("PIED"), a media access control ("MAC") address, or the like.").



Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Paila into the teaching of Perkes and Bonomi to have the channel at a given frequency. The modification would be obvious because one of ordinary skill in the art would want a way to access a communications frequency from a plurality of communications frequencies within a network. (Paila, Page 2, Paragraph [0015]).

As per claims 4 and 13, they are rejected under the same reasons set forth in connection of the rejections of claims 1-3.

As per claim 22, Bonomi further discloses:

- **identify the media format of each service component;** (Bonomi, FIG. 11A and Column 28, Lines 5-25).
- **wherein the processor configured to subsequently maintain the required service components of a service comprises a processor configured to obtain the service components for a given service being transmitted in a time-sliced manner at the given frequency,** (Bonomi, FIG. 11A and Column 28, Lines 5-25, "The program guide area 1102 displays a program guide of the various channels and programs being offered as live assets by the media system. The programs are arranged in a grid-like fashion with rows pertaining to time slots and columns pertaining to channels.").

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Bonomi into the teaching of Perkes and Paila to identify the media format of each service component and transmit the service components of a given service in a time-sliced manner at the given frequency. The modification would be obvious because one of ordinary skill in the art would want to provide a user an easy and efficient way to examine their program guide with respect to their interests and available services. (Bonomi, Column 18, Lines 6-18).

Bonomi discloses using service identification data to tune to an appropriate channel at an appropriate time but does not specifically disclose:

- ***wherein the tuner configured to use the information relating to the timing of transmissions of the service identification data to tune comprises a tuner configured to use the information relating to the timing of transmissions of the service identification data to tune to an appropriate frequency at an appropriate time to decode service identification data, the service identification data relating service components at the frequency to services,*** However, Paila in an analogous art discloses the above limitation. (Paila, Page 1, Paragraph [0004] and Pages 3-4, Paragraph [0032], "The user may then tune the mobile terminal 104 to the desired channel, causing the mobile terminal 104 to select specific tuning and filter parameters corresponding to the selected channel, in a manner well known to those skilled in the art. In this manner, the mobile terminal selects and receives the corresponding service available on the selected channel (step 606).").

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Paila into the teaching of Perkes and Bonomi to have the channel at a given frequency. The modification would be obvious because one of ordinary skill in the art would want a way to access a communications frequency from a plurality of communications frequencies within a network. (Paila, Page 2, Paragraph [0015]).

As per claim 26, Bonomi further discloses:

- ***identifying the media format of each service component;*** (Bonomi, FIG. 11A and Column 28, Lines 5-25).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Bonomi into the teaching of Perkes and Paila to transmit the service components of a given service in a time-sliced manner on a given channel. The modification would be obvious because one of ordinary skill in

the art would want to provide a user an easy and efficient way to examine their program guide with respect to their interests and available services. (Bonomi, Column 18, Lines 6-18).

- ***subsequently obtaining required service components of a service comprises obtaining the required service components of a service from service components transmitted in a time-sliced manner at the given frequency,*** (Bonomi, FIG. 11A, Column 18, Lines 53-67, Column 19, Lines 1-14 and Column 28, Lines 5-25).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Bonomi into the teaching of Perkes and Paila to provide a means for obtaining service components of a service. The modification would be obvious because one of ordinary skill in the art would want to provide a subscriber with a an easy and efficient means to examine their program guide with respect to their interests and available services. (Bonomi, Column 18, Lines 6-18).

Bonomi discloses using service identification data to tune to an appropriate channel at an appropriate time but does not specifically disclose:

- ***wherein using the information relating to the timing of transmissions of the service identification data comprises using the information relating to the timing of transmissions of the service identification data to tune to an appropriate frequency at an appropriate time to decode service identification data, the service identification data relating service components at the frequency to services,***  
However, Paila in an analogous art discloses the above limitation. (Paila, Page 1, Paragraph [0004] and Pages 3-4, Paragraph [0032]).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Paila into the teaching of Perkes and Bonomi to have the channel at a given frequency. The modification would be obvious because one of ordinary skill in the art would want a way to access a communications

frequency from a plurality of communications frequencies within a network. (Paila, Page 2, Paragraph [0015]).

As per claim 27, Perkes further discloses:

- ***using the service identification data to generate a service guide for one or more services***, (Perkes, Figs. 15-17, Pages 3-4, Paragraph [0042]).

### ***Conclusion***

13. The prior art not relied upon but considered pertinent to applicant's disclosure is made of record and listed on form PTO-892.

Applicant's amendment necessitated the new ground(s) of rejection presented in this office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP §706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TANGELA T. CHAMBERS whose telephone number is 571-270-3168. The examiner can normally be reached Monday through Thursday, 9:00am-6:30pm Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro, can be reached at telephone number 571-272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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